

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

THAD EVERETT DELAUGHTER

PLAINTIFF

VS.

CAUSE NO. 1:14-cv-18-LG-JMR

RONALD WOODALL, et al.

DEFENDANTS

ANSWER AND AFFIRMATIVE DEFENSES

COME NOW, defendants Ron Woodall and Wexford Health Sources, by and through undersigned counsel, and file this their Answer and Affirmative Defenses and would respectfully show unto the Court as follows:

1.

Other Lawsuits

These defendants are without sufficient information to form a belief as to the allegations under this heading.

2.

Parties

To the extent that the allegations under this heading are directed toward these Answering Defendants then same are admitted.

3.

General Information

It is admitted that the plaintiff is an inmate in the custody of the Mississippi Department of Corrections and subject to the Administrative Remedy Program. It is denied that he has complied with same.

Statement of Claim

It is denied that the plaintiff's due process and equal protection rights are being violated, and it is also denied that he is being subjected to cruel and unusual punishment.

Relief

It is denied that the plaintiff is entitled to the requested relief.

AND NOW, in response to the Motion to Amend Delaughter's original 42U.S.C. §1983 Complaint, these defendants would show that this Motion does not appear to be directed toward them. To the extent necessary then these allegations are denied.

AFFIRMATIVE DEFENSES

AND NOW, having answered the allegations of the plaintiff's Complaint, these defendants would show unto the Court the following affirmative matters:

1.

The defendant Woodall denies that he has been deliberately indifferent to the serious medical needs of the plaintiff.

2.

That the plaintiff's claim against the defendant Wexford Health Sources fails to state a cause of action.

3.

The defendant Wexford Health Sources is not vicariously liable for the acts of any other person.

4.

The defendant Woodall is not liable for the acts of any other person.

5.

The plaintiff has failed to exhaust his Administrative Remedies.

AND NOW, having answered the allegations of the plaintiff's Complaint and having pled affirmatively, the defendants request that they be dismissed. The defendants also request such other relief as the Court may deem appropriate.

Respectfully submitted, this the 8th day of May, 2014.

/s/ V. K. Smith, III

V. K. Smith, III (MSB # 7623)

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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2014 I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notice of such filing to:

Tommy Goodwin
tgood@ago.state.ms.us

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participant:

Thad Everett Delaughter, #122083
P. O. Box 1419
Leakesville, MS 39451

Pro Se

/s/ V. K. Smith, III

V. K. Smith, III, MSB #7623